

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 17, 2006**

The court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J. and Aronson, J. Antoinette Cajigal Deputy Clerk attending.

G036042 DAVID GUNTHER
 v.
 JOHN LIN

Merits. Cause called. Morse Mehrban argued for appellant. Al Mohajerian argued for respondent. Cause submitted.

G035719 FLORA L. DEFFNER
 v.
 WERNER G. DEFFNER

Merits. Cause called. Ronald B. Funk argued for appellant. Gary S. Gorczyca argued for respondent. Cause submitted.

G035987 JOHN S. BELVILLE
 v.
 ELLIOT WAGNER ET AL.

Merits. Cause called. Robert M. Dato argued for appellant. George B. Piggott argued for respondent. Cause submitted.

G035274 BARBARA A. ESPALIN
 v.
 SUZANNE M. ESPALIN ET AL.

Merits. Cause called. Thomas M. Roth argued for appellant. Marvin D. Mayer argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 17, 2006 (cont'd.)**

The court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J. and Aronson, J. Antoinette Cajigal Deputy Clerk attending.

G034959 THE PEOPLE
 v.
 COREY CAVALLARO

Merits. Cause called. Susan Keiser argued for appellant. Barry Carlton, Deputy Attorney General argued for respondent. Cause submitted.

G035853 COUNTY OF ORANGE
 v.
 LEXINGTON NATIONAL INSURANCE COMPANY

Merits. Cause called. Karen Denise Hill argued for appellant. Leon J. Page, Deputy County Counsel argued for respondent. Cause submitted.

G035215 ROSIE M. ROSS
 v.
 FIRST USA BANK ET AL.

Merits. Cause called. Ben Nutley argued for appellant. Robert Stern argued for respondent, First USA Bank. Brian R. Strange argued for respondent, Daniel Edelist. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 17, 2006 (cont'd.)**

| | | |
|---------|---|---------------------------|
| G035265 | THE PEOPLE v. ERNESTO ANGEL MUNOZ | Certified for publication |
| | Opinion filed. Judgment is reversed and remanded. | |
| | We concur: Moore, J. Ikola, J. | Bedsworth, Acting P. J. |
| G034457 | THE PEOPLE v. JORGE GARCIA MORENO | Not for publication |
| | Opinion filed. Judgment is affirmed. | |
| | We concur: O’Leary, J. Moore, J. | Bedsworth, Acting P. J. |
| G034573 | HSIUH CHIN LIN et al. v. AMBASSADOR PROPERTIES, INC. et al. | Not for publication |
| | Opinion filed. Judgment is reversed and remanded. | |
| | We concur: Rylaarsdam, Acting P.J. Fybel, J. | Aronson, J. |
| G034668 | THE STANDARD FIRE INSURANCE v. SPECTRUM COMMUNITY ASSOCIATION | |
| | Order filed. Pursuant to rule 23(e)(1) of the CRC, submission of the matter is vacated and the cause resubmitted as of this date for the period allowed by law to allow additional time for the preparation of the court’s opinion. | |
| | We concur: O’Leary, J. Moore, J. | Bedsworth, Acting P. J. |

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 17, 2006 (cont'd.)**

G035072 THE PEOPLE Not for publication
 v.
 RODNEY FULUFULU TIA

Opinion filed. Judgment is reversed.

Moore, J.

We concur: Bedsworth, Acting P.J.
 Ikola, J.

G035078 RURAL CANYONS CONSERVATION FUND et al.
 v.
 COUNTY OF ORANGE et al; CCRC FARMS, LLC.

Order filed. The requests for publication filed April 6, 2006 and April 13, 2006 are DENIED. The opinion does not meet the standards for publication set forth in rule 976(c) of the CRC, and the author is concerned about the already overwhelming amount of published decisional law confronting California courts. Pursuant of CRC, rule 978(b), the clerk of this court is directed to forward a copy of our opinion, this order and the requests for publication to the Supreme Court.

Bedsworth, Acting P.J.

We concur: O'Leary, J.
 Moore, J.

G036130 ORANGE COUNTY SOCIAL SERVICES Not for publication
 AGENCY
 v.
 ASTOU C.

Opinion filed. Orders are affirmed.

Rylaarsdam, Acting P.J.

We concur: O'Leary, J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 18, 2006**

The court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., Fybel J. and Ikola, J. Antoinette Cajigal Deputy Clerk attending.

G034626 THE PEOPLE
 v.
 ARTURO SANCHEZ

Merits. Cause called. Mark Devore argued for appellant. Adrienne Denault, Deputy Attorney General argued for respondent Cause submitted.

G035625 ADAM C. JUNG
 & v.
G035957 THOMAS M. FITTERER et al.

Merits. Cause called. Richard Vergel de Dios argued for appellant. Keyvan Samini argued for respondents. Cause submitted.

G035632 MAY HARCHOL
 v.
 CITY OF TUSTIN et al.

Merits. Cause called. Peter J. Porter argued for appellant. M. Lois Bobak argued for respondents. Cause submitted.

G035816 RICHARD MURRILLO
 v.
 SUPERIOR COURT; THE PEOPLE

Merits. Cause called. Pamela P. King argued for petitioner. Mary Louise Andonov argued for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 18, 2006**

The court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Aronson, J., and Fybel J. Antoinette Cajigal Deputy Clerk attending.

G035811 ROBERT D. UTGARD
 v.
 STATE OF CALIFORNIA

Merits. Cause called. Robert D. Utgard argued in propria persona. Paul Curtis Epstein, Deputy Attorney General argued for the respondent. Cause submitted.

G035698 HAMID R. TAVAKOLIAN
 v.
 OSO VALLEY GREENBELT ASSOCIATION et al.

Merits. Cause called. Stanley Feldsott argued for appellant. Marie Elena Molnar argued for respondents. Cause submitted.

G036010 BRIAN K. WHITE
 v.
 KATHLEEN M. WHITE

Merits. Cause called. Ben E. Lofstedt argued for appellant. Lisa Staight argued for respondent. Cause submitted.

G035502 KEMEX CONSTRUCTION, INC.
 v.
 ROCKET SCIENCE LABORATORIES, et al.

Merits. Cause called. Terry P. Anastassiou argued for appellant. John L. Dodd argued for respondents. Cause submitted.

G035133 OLDCASTLE PRECAST INC.
 v.
 PINNAR CONSTRUCTION COMPANY INC. et al.

Merits. Cause called. Kerri Marie Melucci argued for appellant. James William Biedebach argued for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 18, 2006 (cont'd)**

G034768 MERLE E. CADE
 v.
 SOUTH COAST OIL CORPORATION et al.

Merits. Cause called. Rita Gunasekaran argued for appellant Energy Development Corporation only. Allan E. Ceran argued for respondent. Cause submitted.

Court declared a recess.

G035567 RIPLEY VAUGHN
v.
LEIONO CLARK

Order filed. Plaintiff and Respondent Ripley Vaughn has requested that our opinion filed April 12, 2006, be certified for publication. The request is DENIED.

Rylaarsdam, J.

We concur: Sills, P.J.
Aronson, J.

G036404 THE PEOPLE
v.
KIRSTEN DANIELLE
JOHNSON

Order filed. The above entitled cause is ordered submitted this date.

Sill, P.J.

G034533 VENDER FAIRFAX
v.
DERIC LORDS

Certified for publication

Opinion filed. Judgment reversed and remanded with directions.

Bedsworth, Acting P.J.

We concur: O’Leary, J.
Ikola, J.

G033782 FARMERS INSURANCE
EXCHANGE et al.
v.
BARBARA KANODE

Not for publication

Opinion filed. Judgment affirmed and remanded.

Bedsworth, Acting P.J.

We concur: O’Leary, J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 19, 2006**

The court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., Moore, J. and Ikola, J. Orlando Duarte Deputy Clerk attending.

G035266 THE PEOPLE
 v.
 TIMMY M. GIFFIN

Merits. Cause called. Vicki Marolt Buchanan argued for appellant. Meagan Beale argued for respondent. Submission deferred.

G035517 THE PEOPLE
 v.
 RICHARD R. MELNYK

Merits. Cause called. Richard L. Schwartzberg argued for appellant. Janelle Boustany argued for respondent. Cause submitted.

G034655 THE PEOPLE
 v.
 LUIS HINOJOSA

Merits. Cause called. Maria Morrison argued for appellant. Christopher Beesley argued for respondent. Cause submitted.

G035002 THE PEOPLE
 v.
 DONYEA HALEY

Merits. Cause called. Counsel for appellant did not appeared. Kristin K. Chenelia argued for respondent. Cause submitted.

G033808 THE PEOPLE
 v.
 ADOLFO CARRILLO et al.

Merits. Cause called. Frederick L. McBride argued for appellant Adolfo Carrillo. Michael Ian Garey argued for appellant Jose C. Gomez. Charles Ragland argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 19, 2006 (Cont'd)**

**G034035 THE PEOPLE
 v.
 STEVEN M. STROTHER**

Merits. Cause called. Mark A. Hart argued for appellant. Lynne McGinnis argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 19, 2006**

The court reconvened at 1:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth Acting, P.J., Moore, J., and Ikola, J. Orlando Duarte Deputy Clerk attending.

G035722 HARTFORD CASUALTY INS. CO.
 v.
 CAPITAL WERKS et al.

Merits. Cause called. Dean B. Herman argued for appellant. No appearance for respondent. Cause submitted.

G035402 JAY T.S. CHEN
 v.
 ASSOCIATION LIEN SERVICES et al.

Merits. Cause called. Mohammed K. Ghods argued for appellant. Arthur R. Petrie argued for respondent Seabreeze Management Co. Michael F. Long argued for respondent Seagate Niguel Homeowners Assoc. et al. Melanie J. Bingham argued for respondent Association Lien Services et al. Cause submitted.

G034184 JORMA VIRTANEN
 v.
 PARKER, MILLIKEN, CLARK,
 O'HARA & SAMUELIAN

Merits. Cause called. Robin Meadow argued for appellant. Elliot Silverman argued for respondent. Cause Submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 19, 2006 (Cont'd)**

G036285 THE CONSULTING GROUP INC.

v.

DARIN P. ANDERSON

Merits. Cause called. David Reynolds argued for appellant. Kenneth David Watnick argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 19, 2006 (Cont'd)**

G035797 THE PEOPLE
 v.
 TONY LEE GOFF

Order filed. Submission of the above matter is vacated to allow consideration of unbriefed issues.

Bedsworth, Acting P.J.

We concur: Ikola , J.
 Moore, J.

G035218 KASS KHASHAYAR
 NOURISHAD
 v.
 SCPIE INDEMNITY
 COMPANY, et al.

Not for publication

Opinion filed. Judgments affirmed.

Rylaarsdam, J.

We concur: Sills,P.J.
 Fybel, J.

G034518 BETTY C.
 TEASDALE et al.
 v.
 CITY OF FULLERTON et al.

Not for publication

Opinion filed. Judgment affirmed.

O' Leary, J.

We concur: Bedsworth, Acting P.J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 19, 2006 (Cont'd)**

G034918

KENNETH W.
JACOBSEN
v.
RICHARD LEE
FAULK

Not for publication

Opinion filed. The appeal is dismissed.

O' Leary, J.

We concur: Bedsworth, Acting P. J.
Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2006**

The court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P. J., O'Leary, J., and Ikola, J. Antoinette Cajigal Deputy Clerk attending.

G035209 ERNEST AVINA et al.
 v.
 JESUS MACIAS et al.

Merits. Cause called. John L. Dodd argued for appellants. Thomas R. Cummings argued for respondents. Cause submitted.

G036300 EASTWOOD INSURANCE SERVICES, INC.
 v.
 JEFFREY PAULSON

Merits. Cause called. Aashish Yadvendra Desai argued for appellant. Mona Z. Hanna argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2006 (cont'd)**

The court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Aronson, J., and Fybel, J. Antoinette Cajigal Deputy Clerk attending.

G035350 JAMES PULERI
 v.
 GARY HANSEN et al.

Merits. Cause called. No appearance by counsel for appellants. Christopher Clark argued for respondent. Cause submitted.

G035563 DON PARK
 v.
 MICHELLE L. MOORE

Merits. Cause called. Douglas Del Tondo argued for appellant. Scott Wm. Davenport argued for respondent. Cause submitted.

G035400 JUDITH CHAMBERS et al.
 v.
 KIM MILLER et al.

Merits. Cause called. Christopher L. Blank argued for appellants. K.D. Hughes argued for respondents. Cause submitted.

G035262 CANDACE B. AGUIRRE
 v.
 JOSEPH C. AGUIRRE

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Karen A. Rhyne argued for respondent. Cause submitted.

G035396 SUSAN L. ERICKSON et al.
 v.
 GEORGE WESLEY

Merits. Cause called. Dawn Marie Smith argued for appellants. Nancy H. McCoy argued for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2006 (cont'd)**

The court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Aronson, J., and Fybel, J. Antoinette Cajigal Deputy Clerk attending.

G035270 TIMOTHY M. SEAGONDOLLAR
 v.
 MELINDA T. SEAGONDOLLAR

Merits. Cause called. Leslie Ellen Shear argued for appellant. Melinda T. Seagondollar argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2006 (cont'd)**

G036298 ORANGE COUNTY
SOCIAL SERVICES
AGENCY
v.
JASON S. et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036186 ORANGE COUNTY
SOCIAL SERVICES
AGENCY
v.
JASON S. et al.

Order filed. The above entitled cause is order submitted this date.
Sills, P.J.

G035694 A.F. BROWN ELECTRICAL
CONTRACTOR INC.
V.
RHINO ELECTRIC
SUPPLY INC. et al.

Order filed. The petition for rehearing is DENIED.

Aronson, J.

We concur: Sills, P.J.
 Rylaarsdam, J.

G034265 THE PEOPLE
v.
ERNESTO ANGEL
MUNOZ

Certified for publication

Order filed. Order modifying opinion; no change in judgment.

Bedsworth, Acting P.J.

We concur: Moore, J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2006 (cont'd)**

| | | |
|---------|--|---------------------------|
| G034988 | THE PEOPLE V. ABIMAEL FLORES NAJERA | Certified for publication |
|---------|--|---------------------------|

Order filed. Order modifying opinion and denying petition for rehearing;
No change in judgment.

Fybel, J.

We concur: Sills, P.J.
Aronson, J.

| | | |
|---------|---|---------------------|
| G035447 | ELSA GOMEZ v. CITY OF SANTA ANA et al. | Not for publication |
|---------|---|---------------------|

Opinion filed. Order reversed and remanded with directions.

Sills, P.J.

We concur: Rylaarsdam, J.
Aronson, J.

| | | |
|---------|-----------------------------------|---------------------|
| G035093 | THE PEOPLE v. HO HAI NGUYEN | Not for publication |
|---------|-----------------------------------|---------------------|

Opinion filed. The judgment is affirmed.

Sills, J.

We concur: Rylaarsdam, J.
Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2006 (cont'd)**

G034403 MICHAEL A Not for publication
 JACOBS
 v.
 ANTHONY
 RACKAUCKAS et al.

Opinion filed. Judgment dismissed in part and affirmed in part.
Sills, J.

We concur: Rylaarsdam, J.
 Fybel, J.

G035256 CONCORDIA Not for publication
 FINANCING CO. LTD
 v.
 A.L. BRONZAN et al.

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Bedsworth, Acting P.J.
 O'Leary, J.

G035589 JOSE TOVAR Not for publication
 v.
 ARMANDO LUEVANO et al.

Opinion filed: Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2006**

G035605 HOUMAN MOGHADDAM
 v.
 KEVIN BONE et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034874 THE PEOPLE
 v.
 ABEL HARRIS

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035284 THE PEOPLE
 v.
 PHONG QUOC
 NGUYEN

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035425 THE PEOPLE
 v.
 THOMAS LIODAS

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035318 THE PEOPLE
 v.
 ADAM
 CHRISTOPHER SHEAFE

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2006 (cont'd)**

G035528 THE PEOPLE
 v.
 ISRAEL T.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035758 THE PEOPLE
 v.
 KEVIN CHARLES
 CODY

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035679 THE PEOPLE
 v.
 STEVEN R.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034939 HATEM HAJALI
 v.
 JENNIFER HAJALI

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035359 THE PEOPLE
 v.
 AVIER LOPEZ
 CALDERON

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2006 (cont'd)**

G035429 THE PEOPLE
 v.
 RUBEN PRADO

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034816 THE PEOPLE
 v.
 ANTON ACEVEDO

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035486 THE PEOPLE
 v.
 BRANDON G.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035666 THE PEOPLE
 v.
 HUNG THANH TRAN

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035027 THE PEOPLE
 v.
 BRYCE JONATHAN
 MARKELL

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2006 (cont'd)**

G035926 IKUYO HIRAGUCHI
 v.
 JAESOK KIM

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035721 THE PEOPLE
 v.
 GERALD GO

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035410 THE PEOPLE
 v.
 JOSEPH PYLE

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035610 THE PEOPLE
 v.
 JIM RAY
 CAMPBELL

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035620 THE PEOPLE
 v.
 JEFFREY GLASER

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2006 (cont'd)**

G035071 THE PEOPLE
 v.
 STEPHEN HOUSTON-IRVING

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035311 THE PEOPLE
 v.
 ALBERT JOHN ENCISO

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036282 THE PEOPLE
 v.
 JUSTIN E.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035383 THE PEOPLE
 v.
 ROBIN GLEN NOLAN

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035897 THE PEOPLE
 v.
 MICHAEL KIRK

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2006 (cont'd)**

G035085 THE PEOPLE

Not for publication

v.

OSCAR JUVENAL
OCHOA

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: Sills, P.J.
Fybel, J.

